

ENACTING CERTAIN PROVISIONS NOW INCLUDED IN
THE DEFENSE APPROPRIATION ACT AND THE CIVIL
FUNCTIONS APPROPRIATION ACT

JULY 24, 1951.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. KILDAY, from the Committee on Armed Services, submitted the
following

REPORT

[To accompany H. R. 2821]

The Committee on Armed Services, to whom was referred the bill
(H. R. 2821) to enact certain provisions now included in the Defense
Appropriation Act and the Civil Functions Appropriation Act, and
for other purposes, having considered the same, report favorably
thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

On page 2, line 13, after the word "Army", insert ", Navy".

On page 3, line 12, strike out the period after the word "vessels"
and add the following:

within priorities established under regulations prescribed by the Secretaries of
the departments concerned, which regulations shall be uniform insofar as
practicable.

On page 3, strike out all of lines 17 through 20, inclusive, and insert
in lieu thereof the following:

persons in military custody not in a pay status may be furnished with supplies
required for health and personal necessity.

On page 3, strike out line 23, and insert in lieu thereof the following:
to provide for the furnishing, without reimbursement, of utility services for welfare
and recreation activities on military reservations and buildings.

On page 5, lines 1 and 2, strike out the words "transportation,
training, and education" and insert in lieu thereof the words "trans-
portation, and training".

On page 5, line 11, strike out the words "an enlisted" and insert
in lieu thereof the word "a".

On page 9, line 3, strike out the words "at facilities of the department concerned".

On page 9, line 6, after the word "improvements", strike out the semicolon and insert the following: ", at facilities of the department concerned;"

On page 9, strike out lines 8 and 9, and insert in lieu thereof the following:

exceed \$50,000, except that the limitation on the cost of any such project which is determined by the Secretary of Defense to be urgently required in the interest of national defense shall not exceed \$200,000: *Provided*, That the cost limitations of this section shall not apply to amounts authorized to be expended by section 8 of this Act for emergency or extraordinary expenses on the approval of the Secretary concerned.

On page 10, line 2, strike out the period after the word "concerned", insert a colon in lieu thereof, and add the following:

Provided, That notwithstanding any other provisions of law, no vessel transferred or otherwise made available to any agency under the authority of this section shall be sold, leased, or otherwise disposed of except by legislation hereinafter enacted specifically for that purpose.

On page 10, strike out all of section 22, and renumber the remaining sections:

On page 10, line 18, strike out the words "letters patent; (3) designs and design data." and insert in lieu thereof the following: "letters patent; (3) designs, processes, and manufacturing data."

On page 10, strike out lines 22 and 23 and insert in lieu thereof the following:

(b) Appropriations for the Department of Defense available for the settlement of claims or appropriations for the military departments available for procurement of manufacturing supplies, equipment, and materials shall also be available for.

On page 11, add the following new sections:

SEC. 24. Under regulations prescribed by the Secretary of the Army or the Secretary of the Air Force, respectively, travel expenses (other than mileage) at the same rates as authorized by law for military personnel on active duty may be paid to appropriate National Guard and Air National Guard commanders while inspecting units in compliance with National Guard or Air National Guard regulations, when specifically authorized by the Chief of the National Guard Bureau.

SEC. 25. Applicable appropriations of the Department of Defense shall be available for insurance of official motor vehicles in foreign countries, when required by the laws of such countries.

SEC. 26. Subparagraph (e) of the paragraph headed "Ordnance Equipment for Rifle Ranges for Civilian Instruction" of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1925, and for other purposes", approved June 7, 1924 (43 Stat. 477), is hereby amended to read as follows:

"(e) Maintenance of the National Board for the Promotion of Rifle Practice, including provision for the necessary expenses thereof and of its members: *Provided*, That travel expenses of members of the Board shall be paid in accordance with the Standardized Government Travel Regulations, as amended."

SEC. 27. Such military and naval personnel as may be detailed for duty with agencies not a part of the Department of Defense on a reimbursement basis may be employed in addition to the numbers otherwise authorized and appropriated for.

SEC. 28. Except for sections 8, 19, and 21, all the authority conferred upon the Secretary of Defense or the Secretaries of the military departments by this Act, except the authority to prescribe or approve regulations, may be delegated by them to such persons in the Department concerned and to such extent as they may deem proper, with or without authority to make successive redelegations: *Provided*, That the Secretaries of the military departments concerned may dele-

gate, with or without the authority to make successive redelegations, the authority conferred upon them by section 19 of this Act, as to projects involving the expenditure of not more than \$10,000.

The purpose of the proposed legislation is to enact into permanent law several legislative provisions which have heretofore appeared in appropriation acts. Enactment of the proposed measure will supply legislative authorization for these items and will thus preclude the raising of points of order with respect thereto in the consideration of the annual appropriation acts which have previously contained much of the language in the proposed bill.

The bill also amends in minor respects some existing law authorizing the expenditure of funds for certain purposes, and repeals separate statutory authorization heretofore applicable only to the Navy Department, thus providing a uniform authorization for all of the military departments for such expenditures.

The bill, as amended, contains 28 sections, many of them involving relatively minor matters.

The proposed legislation has been submitted at the request of the Appropriations Committee and the House Committee on Armed Services in view of the fact that both committees have indicated their disapproval of legislative language appearing in appropriation acts.

The report of the House Committee on Appropriations on the Defense Appropriation Act, 1951 (H. Rep. 1797, 81st Cong.) contained the following statement on page 315:

More than 100 years ago the House established the practice of striking out of appropriation bills such portions as contain legislation. The rule has been adhered to strictly at times and other times not so strictly. During the past few years appropriation bills have contained numerous legislative provisions usually for the reason that some temporary purpose needed to be accomplished and would expire at the end of the fiscal year. However, too many such provisions have appeared year after year with no thought of permitting them to expire at the end of any particular period. Provisions of this nature should be removed from appropriation bills and referred to the proper legislative committee for more thorough consideration than is possible for an appropriation committee to give even though it had proper jurisdiction of the matter. This committee does not desire to get into the legislative field and suggests to the respective departments and the Bureau of the Budget that every effort be made to clear all military requests for appropriations of provisions not supported by statutory authority. Several of the provisions proposed in the budget presentation under general provisions have been eliminated by the committee on the ground that they are legislation and should be considered by the Committee on Armed Services. Contact with that committee indicates that they are willing to consider these matters and, in fact, have before them pending legislation dealing with some of the subject matter in question.

Except as indicated in the sectional analysis all of the language contained in the proposed bill has appeared either in previous appropriation acts or specific legislation heretofore enacted. There is ample precedent for the proposed bill in view of the enactment of Public Law 604, Seventy-ninth Congress, the so-called Point-of-order law for the Department of the Navy. Many of its provisions are repealed in the proposed bill to provide uniform authorization for all of the departments.

SECTIONAL ANALYSIS

Section 1

This section authorizes the expenditure of funds for a number of items covered by the appropriation "Cemeterial expenses" in the Department of the Army Civil Functions Appropriation Act of 1951. It should be noted that the clear authority to purchase flags is provided

for the first time, although flags have been purchased in the past and are now being purchased from the Civil Functions Appropriation Act for the maintenance of graves.

Section 2

This section amends the act of May 28, 1928, by deleting therefrom any reference to a specific monetary amount which may be appropriated annually for the incidental expenses of the National Board for the Promotion of Rifle Practice. In actual effect, the Congress has appropriated funds in excess of the present limitation since its original authorization in 1928 and this section would merely permit Congress to appropriate annually such sums as it may deem necessary for the expenses of the Board.

Section 3

This section enacts into permanent law a provision of the present appropriation act providing funds for "Ordnance service and supplies" which has been carried in Army appropriation acts since 1897. It permits the Secretaries to provide ammunition for military salutes at institutions and Government establishments to which obsolete but serviceable weapons may be issued. Soldiers' homes, for example, have cannons for salutes. The committee amended the proposed bill by adding the word "Navy" in order that all three of the military departments would have the same authority.

Section 4 (a)

This section amends section 125 of the National Defense Act of June 3, 1916, as amended, so as to remove the present statutory limitation on the cost of civilian clothes issued to enlisted men discharged from the Armed Forces otherwise than honorably. The \$15 limitation has been exceeded by direct appropriation acts since 1921 at which time the amount was raised to \$30. The \$30 provision is contained in the existing appropriation act for the Military Establishment. The proposed section would remove any monetary limitation and thus permit the Secretaries to prescribe the limitation which may be imposed by the amount of funds made available for such purpose. It is obvious that the present limitation is inadequate.

Section 4 (b)

This section repeals the present limitation now contained on the cost of clothing that may be issued to Navy, Marine Corps, and Coast Guard personnel discharged otherwise than honorably.

Section 5 (a)

This section enacts into permanent law the authority contained in the National Military Establishment Appropriation Act of 1950 for the shipment of privately owned motor vehicles of military personnel on Government-owned vessels at Government expense. Section 209 of the act of June 30, 1932, prohibited the transportation of motor vehicles at Government expense, but, since 1936, appropriation acts have contained exceptions to this limitation. The proposed section therefore will enact into substantive law an exception which has been made in the past 15 years for the transportation of motor vehicles. The Armed Forces transport motor vehicles on Government vessels whenever there is space which permits such transportation. Priorities have been established for the shipment of such automobiles in order

that they will not occupy space necessary for other more important military purposes. The committee has amended the proposed section so as to permanently establish the method by which the transportation is now being effected which permits the transportation of motor vehicles on Government vessels only within priorities established under regulations prescribed by the Secretaries. The amendment also provides that the regulations must be uniform insofar as practicable.

Under a new procedure resulting from the establishment of a Military Sea Transportation Service, funds of the military departments will be used to reimburse that Service for the proportionate part of the cost of operation of Government vessels upon which the automobiles are transported. However, this section does not authorize the payment of commercial transportation of automobiles.

Section 5 (b)

This section repeals section 30 of Public Law 604, Seventy-ninth Congress, with respect to the transportation of motor vehicles of personnel of the Navy, Marine Corps, and Coast Guard. As a result, section 5, as amended by the committee, will apply to all departments on a uniform basis.

Section 6

This section enacts into permanent law the present authority to issue articles for the use of general prisoners confined at military posts and for applicants for enlistment. The present appropriation language, however, applies only to the Army and Air Force, whereas the proposed section would be applicable to all branches. Under the proposed section, as amended by the committee, all applicants for enlistment and those persons in military custody not in a pay status may be furnished articles required for health and personal necessity. The Army has had similar authority in separate appropriation acts since 1896.

Section 7

The purpose of this section is to enact into permanent law the authority for the military departments to provide for furnishing utility services, without reimbursement, to welfare and recreation activities on military reservations, and for buildings on military reservations used by nationally recognized welfare organizations. Since 1931, the Army has had authority, in separate appropriation acts, to provide utility services for buildings erected at private cost and buildings erected at Government cost used for welfare and recreational purposes. Likewise, the Air Force has had this authority since 1949. The Navy has never had specific statutory authority to provide utility services for Government-owned buildings used for recreational purposes or for buildings erected at private cost and used for welfare purposes on Navy and Marine Corps posts, except for the YMCA. The bill as originally submitted by the Department would have restricted the furnishing of utilities only to buildings used by nationally recognized private welfare organizations. It thus would not have granted statutory authority for the Navy and Marine Corps to provide utility services, without reimbursement, for buildings constructed at Government expense or otherwise used principally for recreational and welfare activities for the Department of the Navy.

Hereafter funds appropriated for the military departments for utility services may be used for furnishing utility services to welfare and recreational activities conducted on military reservations, or private buildings located on military reservations used by nationally recognized private welfare organizations.

Section 8

This section would provide the basis for the expenditure of funds for emergencies, extraordinary expenses and confidential expenses of the Department of Defense. These expenditures are now provided for in the 1951 Defense Appropriation Act, and the Department of the Navy has permanent authority in Public Law 604, Seventy-ninth Congress. This provision of Navy law is repealed in order to make the language uniform in its application to all military departments. This section would limit, however, the confidential expenditures to the amounts specified by the specific appropriation act for emergency and extraordinary expenses. Similar authority has been carried in appropriation acts since 1921.

Section 9 (a)

This section provides permanent authority for expending funds authorized to be used for the care of prisoners of war. This authority is necessary, and obviously desirable, in view of the fact that the United States is obligated, under the provisions of the Geneva Convention of 1929 with respect to the treatment of prisoners of war, and other provisions of international law, to provide the services enumerated for prisoners of war of enemy nations. However, the committee amended the section by striking out the authority to expend funds for the "education" of prisoners of war and limited the expenditure of funds to the "training" of such prisoners. The committee believe there is a distinction between rehabilitating prisoners of war through proper "training," and "educating" prisoners of war for specific purposes at Government expense.

Section 9 (b)

This subsection permits the Secretaries of the military departments to reimburse civil officers and other persons for expenses involved in apprehending prisoners absent from military control without authority. It also permits rewards to be paid for such apprehension. Similar language has been contained in annual appropriation acts for many years. The Army has continuously had this authority in appropriation acts since 1894.

Section 9 (c)

This section would repeal the existing Navy authority contained in section 22 of Public Law 604, Seventy-ninth Congress, in order to provide a uniform law for the military departments.

Section 9 (d)

This section enacts into permanent law the language now contained in the current Defense Appropriation Act which permits advance payments to be made by investigating officers in foreign countries in accord with local custom incident to matters relating to the conduct of such investigations.

Section 10

This section would provide an exemption from the dual compensation statute of June 30, 1932, for retired officers assigned to duty at the Soldiers' Home. Similar language has been contained in appropriation acts since 1944.

Section 11

This section repeals existing law applicable to the Department of the Navy relative to health programs for Government employees. Ample authority is now contained in separate legislation now applicable to all Government agencies (act of August 8, 1946).

Section 12

This section would delete from existing law the limitation on the number of caretakers who may be employed in any one common pool of National Guard equipment and would delete from law the present limitation on National Guard officers in grades above that of captain who may be employed as caretakers in such pools.

The limitation of 15 caretakers, which was contained in the 1916 Defense Act, has been removed by appropriation acts since 1939 and likewise the limitation on the grade of the officers employed as caretakers has been suspended by appropriation language since 1946.

Section 13 (a)

This section would permit disbursing officers to use for current expenditures moneys received by them as receipts from sales or other sources, instead of depositing such money to the credit of the Treasury and then withdrawing the same funds for current use. The proposed section has been carried in appropriation acts since 1937 and would permanently remove a requirement now applicable to all Government agencies handling funds. In effect, the proposed section merely permits a more reasonable accounting system and should result in some savings to the Government.

Section 13 (b)

This section repeals the provision of existing permanent law with respect to the Navy which permits Navy disbursing officers to make use of current funds, in order to provide a uniform law on the subject for all of the military departments.

Section 14

This section permits the repayment, out of appropriations available, of amounts erroneously collected from military and civilian personnel under the jurisdiction of the military departments, or from States, Territories, or members of the National Guard or Air National Guard. Similar language applicable to all military departments has been contained in Army appropriation acts since 1944. The proposed section would merely enact into permanent law a repayment system which for the most part involves only minor amounts, which would otherwise require the processing of a claim through the General Accounting Office.

Section 15 (a)

This section enacts into permanent law the authority now carried in annual appropriation acts to make expenditures for inter-American relations. This covers such items as military missions to Latin-

American countries, the translation and printing of military texts to be used by their armies, the operation of a school in Panama, and expenses of visits of Latin-American officers to the United States for indoctrination in the United States military methods. The proposed section does not enlarge upon existing authority and the language has been contained in appropriation language since 1942.

Section 15 (b)

This section would repeal a portion of section 38 of Public Law 604, Seventy-ninth Congress, which contains permanent authority for the Navy to expend funds for Latin-American relations in order to provide a uniform law for all military departments.

Section 16

This section would permit advance payments to be made in those countries which require such payments by law or regulation. It also permits the advance payment of rent in foreign countries where local custom requires such payment. This section also permits the advance payment of tuition in this country and in foreign countries. It is necessary in view of section 3648, Revised Statutes, which prohibits the advance payment of Government funds except as may be authorized by an appropriation or other act. Appropriation acts since 1943 have permitted such advance payments.

Section 17 (a)

This section permits prisoners released from military prisons to be furnished a suit of citizens outer clothing and, where necessary, an overcoat, and an amount of money not to exceed \$30. This section is necessary to replace appropriation language which, since 1904, in the case of the Army, has permitted the issuance of citizens outer clothing and an overcoat, when necessary, and a sum of money. The present appropriation act provides for civilian clothing and, when necessary, an overcoat, at a total cost not to exceed \$30, and a donation of not to exceed \$25 in cash. The cash donation is necessary so that the released prisoner may purchase food and other necessities while en route to his home or other destination, and thus not become a burden on his local community before having had an opportunity to find employment.

Section 17 (b)

This section repeals that portion of existing law applicable to the Navy Department which authorizes the issuance of suitable civilian clothing to persons upon discharge.

Section 18

This section permits the charging to the appropriation, from which supplies are bought, of the cost of transportation of such supplies to the first point of storage or consumption, except where such transportation is appropriated for elsewhere. This section substantially reenacts existing law (the act of March 2, 1923) with respect to the various branches of the Army, and enacts into permanent law other portions of the section which have heretofore appeared in appropriation acts. As written, this section will be applicable to all departments on a uniform basis. The proposed section is contained in the Defense Appropriation Act of 1951 and is merely a system of budget-

ing. It will permit funds for transportation purposes for contracts for future delivery to be carried over into another fiscal year.

Section 19(a)

This section, as amended by the committee, would authorize the use of funds appropriated for construction or maintenance purposes to be used for minor construction (except family quarters), extensions to existing structures and improvements at facilities of the departments concerned, but in amounts not exceeding \$50,000 for each project, except that projects costing up to \$200,000 may be specifically authorized by the Secretary of Defense from such funds when he deems it necessary in the interest of national defense.

The cost limitations are made inapplicable to contingency funds which are authorized to be expended upon the special approval of the Secretary of the Department concerned.

This section was extensively amended by the committee which placed a dollar limitation on the projects that could be undertaken out of the funds appropriated for construction and maintenance purposes similar to present appropriation language. It should also be noted that the committee restricted the use of the funds to minor construction, extensions to existing structures, and improvements to the facilities "under the jurisdiction of the department concerned." Under the bill as originally submitted, the proposed section would not have limited the monetary expenditure nor would it have imposed a limitation upon minor construction or extensions or improvements to facilities "under the jurisdiction of the departments concerned."

Section 19 (b)

This section repeals permanent law with respect to the expenditure of maintenance and construction funds by the Navy Department. However, it should be noted that the law applicable to the Department of the Navy limits the amount to \$20,000 which may be spent on any project using construction or maintenance funds.

Annual appropriation acts since 1946, however, have raised the statutory \$20,000 limitation contained in the Navy law to higher sums.

Section 20

This section would permit all travel expenses incident to the change of station of personnel to be charged to the travel appropriation which was current at the date of relief of such personnel from their duty station. Similar language has been contained in appropriation language since 1937 for the Army.

Section 21

This section, as amended, contains the authority to transfer vessels without reimbursement among the Army, Navy, and Maritime Administration, and has been contained in annual appropriations for the Transportation Corps of the Army. It will enact into permanent law the provisions now contained in the Defense Appropriation Act. However, the committee amended the section to provide that no vessels transferred under the authority of this section may be sold, leased, or otherwise disposed of, except by legislation hereinafter enacted specifically for that purpose.

Section 22

This section repeals the law applicable to the Department of the Navy relating to cash awards to civilians for suggestions resulting in improvements in efficiency or economy of the Navy Department. Public Law 600 of the Seventy-ninth Congress authorized such payments for all employees of military departments and in the interest of uniformity, the separate Navy law has been repealed.

Section 23 (a)

As amended by the committee, this section would provide permanent authority for the purchase or acquisition of patents, copyrights, letters patent and applications for letters patent, licenses, designs, processes, and manufacturing data.

Section 23 (b)

This section would permit the appropriations for the Department of Defense available for the settlement of claims or, as amended, appropriations to the military departments available for procurement or manufacture of supplies, equipment, and materials, to be available for the purchase of releases, before suit is brought, for past infringement of patents.

The military departments have had authority to purchase patents, copyrights, and releases for patent infringements, and other data since 1942.

Section 23 (c)

This section would repeal the permanent law granting similar authority to the Navy insofar as patents are concerned in the interest of a uniform law authorizing the expenditure of funds for this purpose.

Sections 24, 25, and 26

Sections 24, 25, and 26 have been added as amendments to the proposed bill, but were contained in H. R. 3799, another so-called point-of-order bill also submitted.

Section 24

This section would enact into permanent law the present appropriation language which has been in effect since 1949 which permits travel expenses (other than mileage) to be paid to National Guard commanders inspecting units in compliance with National Guard regulations at the same rates as authorized by law for military personnel on active duty.

Section 25

In view of the fact that certain foreign countries require that all vehicles, regardless of ownership, be covered by liability insurance, with no exceptions made for the official vehicles of other countries, appropriation language has, since 1949, permitted Government funds to be used for the purchase of insurance in foreign countries when required by the law of such foreign countries. The proposed section will merely enact this provision into permanent law.

Section 26

This section would amend the act of June 7, 1924, so as to permit the payment of travel allowances for members of the National Board for Rifle Practice. The act of June 7, 1924, does not provide the specific travel allowances that may be paid to civilian members of the

Board. As a result, for the past 10 years, appropriation acts have authorized the payment of mileage to civilian members of the Board. The proposed section would permit the payment of travel expenses to such members similar to those paid civilian employees of the Government.

Section 27

This section would enact into permanent law language now contained in the Defense Appropriation Act of 1951, which has been contained in appropriation acts since 1947, which permits the Department of Defense to employ military personnel in lieu of those detailed for duty with agencies not a part of the Department of Defense on a reimbursement basis.

Section 28

This section, with exceptions, permits the Secretary of Defense or the Secretaries of the military departments concerned to delegate the authority contained in this act and permits the redelegation of such authority. The authority to provide for all emergencies and extraordinary expenses as contained in section 8, the authority to extend existing structures to permit minor construction and to make improvements, from maintenance and construction funds as contained in section 19, and the authority for interagency transfer of vessels as contained in section 21 may not be delegated. However, the Secretaries of the military departments concerned may delegate the authority contained in section 19 in connection with projects costing not more than \$10,000.

It should also be noted that the section does not permit the delegation of authority to prescribe or approve regulations made in accordance with the proposed act on any of the sections thereof.

As amended, the Committee on Armed Services urges the enactment of the proposed measure. The cost involved will depend entirely upon the appropriations made available under the authority contained in the proposed legislation. No new expenditures are involved.

The Department of Defense and the Bureau of the Budget recommends enactment of the proposed legislation as indicated by the following attached letters from the Office of the Assistant Secretary of Defense in connection with H. R. 2821, and H. R. 3799 which was made a part of the proposed legislation by amendment.

ASSISTANT SECRETARY OF DEFENSE,
Washington 25, D. C., February 21, 1951.

Hon. CARL VINSON,
Chairman, Committee on Armed Services,
House of Representatives.

DEAR MR. CHAIRMAN: The Department of Defense has today submitted to the Speaker of the House of Representatives a legislative proposal to enact certain provisions now included in the Defense Appropriation Act and the Civil Functions Appropriation Act, and for other purposes.

That proposal is a part of the Department of Defense legislative program for 1951 and it has been approved by the Bureau of the Budget. The Department of Defense recommends that it be enacted by the Congress.

Copies of the letter transmitting the above-mentioned legislative proposal to the Speaker of the House of Representatives, the draft of bill, and sectional analysis are inclosed for your information and appropriate action.

Sincerely,

MARX LEVA.

12 ENACT CERTAIN PROVISIONS IN DEFENSE APPROPRIATION ACT

ASSISTANT SECRETARY OF DEFENSE,
Washington 25, D. C., February 21, 1951.

HON. SAM RAYBURN,
Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: There is forwarded herewith a draft of legislation to enact certain provisions now included in the Defense Appropriation Act and the Civil Functions Appropriation Act, and for other purposes.

This proposed legislation is a part of the Department of Defense legislative program for 1951 and it has been approved by the Bureau of the Budget. The Department of Defense recommends that it be enacted by the Congress.

Purpose of the legislation.—This proposal is designed to enact into permanent law numerous of the legislative provisions which have usually appeared in the Department of Defense Appropriation Acts and will supply legislative authorization for these items, thus precluding the possibility of points of order being raised with respect thereto during the consideration of the annual appropriation acts.

In the interest of clarity and simplification, wherever provisions have been considered properly applicable to the three military departments, the bill has been so drafted and provisions included repealing any substantially identical authorities applicable to only one military department.

Legislative references.—Legislation identical with this proposal except for certain technical changes made in the attached draft was recommended by the Department of Defense for consideration by the Eighty-first Congress, second session, with the approval of the Bureau of the Budget and introduced in the Senate in the form of S. 3512. No further action was taken by the Eighty-first Congress with respect to S. 3512.

Cost and budget data.—Where cost and budget data has been considered relevant that information has been included in the sectional analysis and explanation attached hereto.

Department of Defense action agency.—The Department of the Army has been designated as the representative of the Department of Defense for this legislation.

The matter of legislative provisions in the appropriation act is undergoing continuous consideration in the Department of Defense and additional legislation of this general character will be submitted as early as is practicable.

Sincerely,

MARX LEVA.

SECTIONAL ANALYSIS, H. R. 2821

LEGISLATIVE PROVISIONS NOW INCLUDED IN APPROPRIATION ACTS

Section 1.—This section includes a number of items now covered by the appropriation "Cemeterial expenses" in the Department of the Army Civil Functions Appropriation Act. All of the items are authorized by the mentioned appropriation act with the exception of the authority to purchase flags.

Section 2.—This section would amend the act of May 28, 1928 (45 Stat. 786; 32 U. S. C. 181c), by deleting therefrom any reference to the amount (\$7,500) which may be appropriated annually for incidental expenses of the National Board for the Promotion of Rifle Practice. It has been the practice in annual appropriation acts for the Congress to specify the amount which may be used for this purpose which is generally in excess of the amount herein specified. This permits the amount to be adjusted from year to year in proportion to the requirements based upon the program for the year.

Section 3.—This section enacts into substantive law the following provision of the appropriation "Ordnance service and supplies": "ammunition for military salutes at Government establishments and institutions to which the issues of arms for salutes are authorized." Comparable provisions have appeared in Army appropriation acts since the fiscal year 1897. An example of the institutions referred to are soldiers' homes, to which the issue of obsolete but serviceable weapons for salutes is authorized by the act of February 8, 1889 (25 Stat. 657 as amended (50 U. S. C. 66)).

Section 4 (a).—The second proviso in the third paragraph of section 125 of the National Defense Act of June 3, 1916, as amended (10 U. S. C. 1393), provides for the issue to an enlisted man discharged otherwise than honorably of a suit of citizens' outer clothing to cost not exceeding \$15. Experience has shown that this monetary limitation is inadequate to cover the cost of procurement of such clothing and it has further been found that it is necessary to issue overcoats to such men when climatic conditions make it necessary.

Therefore, military appropriation acts since the year 1921 have raised the monetary limit to \$30 and have provided for issue of an overcoat when necessary since the fiscal year 1926. Because of the wide variation from year to year in the cost of clothing, it is impossible to predict the cost of a suit and overcoat 5 or 10 years from the present. Therefore it is believed desirable that the basic law as set forth in section 125 of the National Defense Act be amended by removing the \$15 limitation and by providing for an overcoat. The present authority on which this section is based is contained in the appropriation "Quartermaster Service, Army," under the heading "Clothing and equipage" in the following words: "for a suit of citizens' outer clothing and an overcoat, when necessary, the cost of all not to exceed \$30, to be issued each person upon each release from an Army prison, each soldier discharged otherwise than honorably, to each enlisted man convicted by civil court for an offense resulting in confinement in a penitentiary or other civil prison, and to each enlisted man ordered interned as an alien enemy, or, for the same reason, discharged without internment."

Section 4 (b).—The statute repealed by this subsection contains similar limitations for the Navy, Marine Corps, and Coast Guard which should be eliminated.

Section 5 (a).—This section enacts into substantive law the authority contained in section 617 of the National Military Establishment Appropriation Act, 1950, in the following words:

"When personnel of the Air Force or Army are ordered to make any permanent change of station, motor vehicles owned by them for their personal use (not to exceed one vehicle per person) may be transported to their new posts of duty on Government-owned vessels."

This provision constitutes an exception to section 209 of the act of June 30, 1932 (47 Stat. 405), as amended (5 U. S. C. 73c), which prohibits such transportation at Government expense. The exception has existed since 1936 and the authority is used when there is extra space on Government vessels, resulting in no additional cost to the Government.

Section 5 (b).—The identical authority granted the Department of the Navy in the statute repealed would no longer be necessary in the event of the enactment of this section.

Section 6.—This section enacts in substantive law similar authority presently available under "Quartermaster Service, Army," subhead "Clothing and equipage" as follows: "Authorized issues of articles for use of general prisoners confined at military posts without pay or allowances, and for applicants for enlistment while held under observation,"

Section 7.—This section is intended to provide a basis for the following language of the appropriation "Engineer Service, Army" under the heading "Barracks and quarters, Army": "the furnishing of heat and light for buildings erected at private cost, in the operation of the Act approved May 31, 1902 (10 U. S. C. 1346), and buildings on military reservations, authorized by Department of the Army to be used for a similar purpose."

The quoted provision permits supply of the mentioned utilities for buildings erected on military posts by the Young Men's Christian Association, the Red Cross, the USO and similar organizations. In addition to the authority to provide heat and light, this section would also authorize the furnishing of water in such instances. While the Navy does not now have such authority it is deemed necessary and desirable in order that recreational activities and organizations may be treated alike by the services.

Section 8 (a and b).—This section provides the basis for emergencies, extraordinary expenses, and confidential activities of the Departments of the Army and Air Force which have heretofore been covered by provisions in current appropriation acts. The present authority is set forth in the annual appropriation "Contingencies of the Army," and is not changed or enlarged in this section. It is also provided that expenditures for confidential purposes may be made only when specified by the appropriation act. This authority is also necessary and desirable for the Secretary of Defense as the head of an executive department to provide for such emergencies, extraordinary expenses, and confidential activities.

Section 8 (c).—The Secretary of the Navy having been included in the authorizing language of subsection (a), the authority granted in the statute repealed would no longer be necessary.

Section 9 (a)—This section constitutes basic authority for section 614 of the current Defense Appropriation Act, and spells out in somewhat greater detail the expenses which are authorized in the case of prisoners of war. Such authority appears necessary and desirable in view of the fact that the United States is obligated under the provisions of the Geneva Convention of 1929, relating to

the treatment of prisoners of war, and other provisions of international law, to provide all of such services for prisoners of war of enemy nations.

Section 9 (b).—This paragraph enacts into substantive law the authority which has been contained for a number of years in the military appropriation acts under the heading "Finance Service, Army, apprehension of deserters." It is believed desirable in the interest of preserving military discipline that the Department of the Army and the Department of the Air Force be authorized to reimburse persons who arrest deserters or escapees (including parole violators) for expense incurred in apprehending and delivering to military custody such offenders.

Section 9 (c).—The statute repealed would not be necessary since the enactment of 114 (b) would provide basic authority for the purposes now authorized.

Section 9 (d).—This paragraph enacts into substantive law the authority presently available under section 612 of the current Defense Appropriation Act which provides as follows: "payments in advance of expenses determined by the investigating officer to be necessary and in accord with local custom for conducting investigations in foreign countries incident to matters relating to the activities of the department concerned."

Section 10.—This section enacts into substantive law the following proviso of the appropriation "Finance Service, Army," which has been repeated in appropriation acts since the fiscal year 1945: "* * * section 212 of the Act of June 30, 1932 (47 Stat. 406), as amended (5 U. S. C. 59a), shall not apply to retired military personnel on duty at the United States Soldiers' Home * * *"

This provision permits the payment of compensation to retired military personnel employed in the operation and administration of the Soldiers' Home.

Section 11.—In view of the provisions of the act of August 8, 1946 (60 Stat. 903), relative to health programs for Government employees, the authority contained in the section repealed is no longer necessary.

Section 12.—This section would enact into substantive law provisions of the appropriation for the National Guard and the Air National Guard which read as follows:

(a) "* * * the number of caretakers authorized to be employed for any one unit, pool, or heavier-than-air squadron under the provisions of section 90 of the National Defense Act of June 3, 1916, as amended, may be such as is deemed necessary by the Secretary of the Army * * *"

(b) "* * * including services of personnel of the National Guard employed as civilians, without regard to their military rank * * *"

This authority permits the employment as civilian employees, for caretakers and other purposes, of members of the National Guard and the Air National Guard without distinction or limitation as to the military rank held by such persons in the National Guard and the Air National Guard.

Section 13 (a).—This section enacts into substantive law the same authority presently available in section 615 of the Defense Appropriation Act. It is similar to the authority provided for the Navy by section 25, Public Law 604, seventy-ninth Congress.

Section 13 (b).—The authority provided in the repealed statute would be no longer necessary.

Section 14.—This section would enact into substantive law the same authority now provided in the current Defense Appropriation Act under the heading "Claims," as follows: "repayment of amounts determined by the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, or officers designated by them, to have been erroneously collected from military and civilian personnel of the Departments of the Army, Navy, and Air Force, or from States, Territories, or the District of Columbia, or members of National Guard units thereof."

Section 15 (a).—This section enacts into substantive law the authority presently available under "Inter-American Relations, Department of the Army." The proposed section does not enlarge upon such authority and changes in language have been made solely for the purposes of modernization.

Section 15 (b).—The Department of the Navy would no longer need this authority in the event of enactment of subsection (a) of this section.

Section 16.—This section enacts into substantive law the authority presently available in section 602 of the Defense Appropriation Act.

Section 17 (a).—This is based upon authority now contained in the appropriations "Finance Service, Army" and "Quartermaster Service, Army." It provides authority for the issuance of a suit of clothing and an overcoat to prisoners released from military and naval prisons, who do not possess personally owned

clothing. It also makes possible the furnishing of a small amount of cash to such released prisoners, in order that they may purchase meals and other necessities during the trip to their homes.

Section 17 (b).—The authority provided in the repealed statute would be no longer necessary.

Section 18.—This section enacts into substantive law the language now set forth in the Defense Appropriation Act as a proviso of the appropriation "Transportation Service, Army." The provision has been included in appropriation acts since the fiscal year 1932 and is necessary to permit the charging to the appropriation, from which supplies are bought, of the cost of transportation of such supplies to the first point of storage or consumption, except where such transportation is specifically appropriated for elsewhere. The authority has been extended to the Department of the Navy, as well.

Section 19 (a).—This section is similar, except as noted below, to section 616 of the Defense Appropriation Act, 1951, as revised in the First Supplemental Appropriations Act, 1951 (sec. 101 of Public Law 843, 81st Cong., 2d sess.), whereby the Secretaries of the military departments were authorized to expend out of appropriations available for construction or maintenance amounts required for minor construction, extensions to existing structures, and improvements at facilities of the Department concerned, with a stated limitation of \$50,000 except that the limitation on the cost of any project determined by the Secretary of Defense to be urgently required for the national defense shall not exceed \$200,000. Limitations have proven unworkable in view of wide price fluctuations. Accordingly, this section would provide authority for fixing this figure annually in the appropriation act, providing the flexibility desirable in this type of legislation.

Section 19 (b).—The Department of the Navy would no longer need this authority in the event of enactment of subsection (a) of this section.

Section 20.—This provision which has appeared in the Army Appropriation Act for a number of years clarifies the question of which appropriation shall be charged with certain travel expenses. Where travel is begun in one fiscal year and completed in another, the question often arises as to which appropriation should be charged. The appropriation act has included under the heading "Travel of the Army" this clause which indicates clearly that the appropriation current on the date of relief from duty station of the personnel concerned is the one properly chargeable with the entire cost of travel involved. The provision which is primarily a matter of accounting convenience is made applicable to the Army, Navy, and Air Force by section 605 of the Defense Appropriation Act, 1951.

Section 21.—The authority to transfer vessels without reimbursement among the Army, Navy, and the Maritime Commission is contained in annual appropriations acts for the Army. See Public Law 434, Eighty-first Congress, under the heading "Transportation Corps." This legislation will enact into permanent law the provisions now contained in the Defense Appropriation Act.

Section 22.—This section permits delegation of authority conferred upon the Secretaries by this act except for the power to issue regulations.

Section 23.—The provision of law which would be repealed by this new section relates only to the Department of the Navy and authorizes payment of cash awards for beneficial suggestions. Similar authority is contained in section 14 of the act of August 2 1946 (60 Stat. 809), and is applicable to all departments and agencies of the Government. This repeal is desired in order that forms used in connection with the awards program may be standardized throughout the Department of Defense.

Section 24 (a and b).—The current National Military Establishment Appropriation Act, in section 615, contains the following provision:

"The appropriations contained in this Act for the Air Force, Navy, and for the Army, which are available for the procurement or manufacture of supplies, materials, and equipment of special or technical design may be used * * * for the purchase of copyrights and letters patent, applications therefor, and licenses thereunder pertaining to such supplies, equipment, and materials for which the appropriations are made."

In addition to the authority provided above this section would enact into substantive law the authority to purchase or acquire releases for past infringement of letters patent.

Section 24 (c).—The authority provided in the repealed statute would be no longer necessary.

16 ENACT CERTAIN PROVISIONS IN DEFENSE APPROPRIATION ACT

ASSISTANT SECRETARY OF DEFENSE.
Washington 25, D. C., April 18, 1951.

Hon. SAM RAYBURN,

Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: There is forwarded herewith a draft of legislation to enact certain provisions now included in the Department of Defense Appropriation Act, and for other purposes.

This proposed legislation is a part of the Department of Defense legislative program for 1951 and it has been approved by the Bureau of the Budget. The Department of Defense recommends that it be enacted by the Congress.

Purpose of the legislation.—This proposal is designed to enact into permanent law certain legislative provisions which have appeared in Department of Defense Appropriation Acts. This will preclude the possibility of points of order being raised with respect thereto during the consideration of annual appropriation acts by the Congress.

In the interest of clarity and simplification, wherever provisions have been considered properly applicable to the Departments of Army, Navy, and Air Force they have been so drafted, and provisions repealing any substantially identical authority applicable to one or two military departments have been included.

There is also attached a sectional analysis of the attached draft of legislation, and for convenience, the explanation and justification of each item is contained in the sectional analysis rather than in this letter.

Legislative references.—While a draft of legislation with similar purpose has been pending before the Eightieth and Eighty-first Congresses, the particular items included therein are different from the items included in this legislation. None of the matters here covered has been the subject of previous legislative recommendations by the Department of Defense.

Cost and budget data.—Where cost and budget data has been considered relevant, that information has been included in the sectional analysis and explanation.

Department of Defense action agency.—The Department of the Army has been designated as the representative of the Department of Defense for this legislation.

Sincerely,

MARX LEVA.

SECTIONAL ANALYSIS, H. R. 3799

Section 1.—This section would enact into substantive law the following provisions of the appropriations "Army National Guard" and "Air National Guard":

"travel expenses (other than mileage), at the same rates as authorized by law for Army National Guard personnel on active Federal duty, of Army National Guard division and regimental commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau."

"travel expenses (other than mileage), on the same basis as authorized by law for Air National Guard personnel on active Federal duty, of Air National Guard commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau;"

The commanders specified perform travel, as directed by National Guard regulations, for the purpose of inspecting units to determine the status of training, condition of equipment, progress of organization, and similar matters. Since they are not in Federal status, they are not covered by existing laws relating to payment of travel expenses. It appears inequitable to require such commanders to pay travel expenses from their own pockets for official duties of this nature. However, this section would require specific authorization by the Chief of the National Guard Bureau for the use of official funds for such travel, as does the existing appropriation language.

Section 2.—This section would enact into substantive law the following portion of section 612 of the Defense Appropriation Act, 1951: "Appropriations contained in this chapter shall be available for insurance of official motor vehicles in foreign countries, when required by laws of such countries;"

The Comptroller General has in the past held that it is the general policy of the United States Government to act as a self-insurer, and that payments for insurance from appropriated funds will not be approved in the absence of a clear expression of the desire of Congress that funds be used for that purpose. This has created difficulty in certain foreign countries, where mandatory laws require insurance coverage of certain designated types as a prerequisite to the operation

of motor vehicles. In certain cases activities of the Department of Defense would be seriously hampered if official vehicles are precluded from entering the foreign country concerned.

Section 3.—The existing statute for the National Board for the Promotion of Rifle Practice, the act of June 7, 1924, merely provides for the necessary expenses of the Board and its members, and is silent as to the rate of travel allowance to be paid to members when they are traveling in connection with their duties as such members. The Board consists of a few civilian members in addition to military personnel who make up the majority of the Board. For some years the annual appropriation act has contained a provision to pay the civilian members travel allowances at the military rate. It is not believed that civilian members of the Board should be paid at military rates merely because they travel for the same purposes as military members, thereby excepting them from a situation that prevails throughout the Department of Defense. Accordingly, this section provides for payment of travel expenses in accordance with the Standardized Government Travel Regulations, as amended.

Section 4.—Section 610 of the 1951 Department of Defense Appropriation Act grants authority for the employment in additional numbers of such military and naval personnel as may be detailed to duty with agencies not a part of the Department of Defense. Although there are several provisions of law authorizing detail of personnel to other agencies on a reimbursement basis, there is no general authority permitting employment of personnel so assigned in addition to the numbers otherwise appropriated for the respective military departments. Inasmuch as such assignments reduce the number of personnel available to the services, the authority to employ such personnel in additional numbers should be permanent and in conjunction with the permission to detail.

Section 5.—This section permits delegation of authority conferred upon the Secretaries by this act except for the power to issue regulations.

CHANGES IN EXISTING LAW

In compliance with clause 2a of rule XIII of the Rules of the House of Representatives, there is herewith printed in parallel columns the text of provisions of existing laws which will be repealed or amended by the various provisions of the bill (left column) and the provisions of the bill which will repeal or amend those provisions (right column):

REPEALS

EXISTING LAW

Section 30 of the Act of August 2, 1946
(60 Stat. 857)

When personnel of the Navy, Marine Corps, and Coast Guard are ordered to make any permanent change of station motor vehicles owned by them for their personal use not to exceed one vehicle per person, may be transported to their new posts of duty on Government-owned vessels.

Section 6 of the Act of August 2, 1946
(60 Stat. 853)

Within the limits of appropriations made therefore, the Secretary of the Navy is authorized to provide for all emergencies and extraordinary expenses arising in the Naval Establishment, but impossible to be anticipated or classified, and when so specified in an appropriation such funds may be expended on the approval or authority of the Secretary of the Navy and for such purposes

THE BILL

SEC. 5. (b) Section 30 of the Act of August 2, 1946 (60 Stat. 857), is hereby repealed.

SEC. 8. (c) Section 6 of the Act of August 2, 1946 (60 Stat. 853), is hereby repealed.

REPEALS—Continued

EXISTING LAW

as he may deem proper, and his determination thereon shall be final and conclusive upon the accounting officers of the Government, and he may make a certificate of the amount of such expenditures as he may think it advisable not to specify and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended.

Section 22 of the Act of August 2, 1946 (60 Stat. 857)

The Secretary of the Navy is authorized to make such expenditures out of available naval appropriations as he may deem necessary for the apprehension and delivery of deserters, stragglers, and prisoners and for the operation of shore patrols.

Section 2 of the Act of August 2, 1946 (60 Stat. 853)

The Secretary of the Navy may provide for the physical examination by civilians of employees engaged in hazardous occupations where the professional services of the Medical Department are not available, and may compensate such civilians on a contract or fee basis for such professional services at the rates customary in the locality.

Fourth paragraph of section 90 of the National Defense Act of June 3, 1916 (39 Stat. 166)

Commissioned officers of the National Guard shall not be employed as caretakers, except that, under such regulations as the Secretary of the Army shall prescribe, one such officer not above the grade of captain for each heavier-than-air squadron, and one such officer not above the grade of captain for each pool, may be employed. Either enlisted men or civilians may be employed as caretakers, but if there are as many as two caretakers in any unit, one of them shall be an enlisted man.

Section 25 of the Act of August 2, 1946 (60 Stat. 857)

Without deposit to the credit of the Treasurer of the United States and withdrawal on money requisitions, receipts of public moneys from sales or other sources by officers of the Navy, Marine Corps, and Coast Guard on disbursing duty and charged in their official accounts may be used by them as required for current expenditures, all necessary bookkeeping adjustments of appropriations, funds, and accounts

THE BILL

SEC. 9. (c) Section 22 of the Act of August 2, 1946 (60 Stat. 857), is hereby repealed.

SEC. 11. Section 2 of the Act of August 2, 1946 (60 Stat. 853), is hereby repealed.

SEC. 12. (b) The fourth paragraph of section 90 of the National Defense Act of June 3, 1916 (39 Stat. 166), as amended, is hereby repealed.

SEC. 13. (b) Section 25 of the Act of August 2, 1946 (60 Stat. 857), is hereby repealed.

REPEALS—Continued

EXISTING LAW

to be made in the settlement of their disbursing accounts.

Second clause of section 38 of the Act of August 2, 1946 (60 Stat. 857)

The Secretary of the Navy is authorized, out of any naval appropriation made therefor, to provide for the Navy of liberated and occupied areas; (2) expenses for special compensation and for travel and subsistence of officers and students of Latin-American countries, and other expenses deemed necessary by the Secretary for Latin-American cooperation.

THE BILL

SEC. 15. (b) The second clause of section 38 of the Act of August 2, 1946 (60 Stat. 857), is hereby repealed.

SEC. 17. (b) That part of the Act of March 3, 1909, under the heading "Bureau of Navigation", which appears on page 756, volume 35, Statutes at Large, and which reads as follows: "Provided further, That the Secretary of the Navy is hereby authorized to furnish naval prisoners upon discharge suitable civilian clothing in case, and only where, said discharged prisoners would otherwise be unprovided with suitable clothing to meet their immediate needs" is hereby repealed.

Section 26 of the Act of August 2, 1946 (60 Stat. 853)

The Secretary of the Navy is authorized to expend out of naval appropriations available for construction or maintenance such amounts as may be required for minor construction (except living quarters), extensions to existing structures, and improvements at naval activities, but the cost of any project authorized under this section which is not otherwise authorized shall not exceed \$20,000.

SEC. 19. (b) Section 26 of the Act of August 2, 1946 (60 Stat. 853), is hereby repealed.

Subsections (a) and (b) of section 35 of the Act of August 2, 1946 (60 Stat. 857)

(a) The Secretary of the Navy is authorized, in his discretion and under such rules and regulations as he may prescribe, to pay cash rewards to civilian personnel of the Naval Establishment or other persons in civil life when, due to a suggestion or series of suggestions by them, there results an improvement or economy in manufacturing process or plant or naval material or in efficiency or economy in the operation or administration of the Navy Department or the Naval Establishment. Such sums as may be awarded to employees in accordance with this section shall be paid them out of naval appropriations in

SEC. 22. Subsections (a) and (b) of section 35 of the Act of August 2, 1946 (60 Stat. 857), are hereby repealed.

REPEALS—Continued

EXISTING LAW

addition to their usual compensation. No employee or other person in civil life shall be paid a reward under this section until he has properly executed an agreement to the effect that the use by the United States of the suggestion or series of suggestions made by him shall not form the basis of a further claim of any nature against the United States by him, his heirs, or assigns.

(b) Except as provided by subsection (a) hereof, civilian personnel of the Naval Establishment shall not be paid any premium or bonus or cash award in addition to their regular salaries.

Section 34 of the Act of August 2, 1946 (60 Stat. 857)

The Secretary of the Navy is authorized to provide, out of naval appropriations available for the purchase or manufacture of equipment or material, for the purchase of letters patent, applications for letters patent, and licenses under letters patent and applications for letters patent that pertain to the equipment or material for which the appropriations are made.

THE BILL

SEC. 23. (c) Section 34 of the Act of August 2, 1946 (60 Stat. 857), is hereby repealed.

AMENDMENTS

EXISTING LAW

Appropriation language under the heading "Cemeterial Expenses" (Public Law 759, 81st Cong.)

"purchase of grave sites; maintenance of * * * that portion of Congressional Cemetery to which the United States has title and the graves of those buried therein, including Confederate graves, and the burial site of Pushmataha, a Choctaw Indian Chief; for maintenance of monuments, tablets, roads, fences, and so forth, made and constructed by the United States in Cuba and China to mark the places where American soldiers fell; for maintenance of graves used by the Army for burials in commercial cemeteries;"

Section 3 of the Act of May 28, 1928 (45 Stat. 786)

For the incidental expenses of the National Board for the Promotion of Rifle Practice, including books, pamphlets, badges, trophies, prizes, and medals to be expended for such purposes, the sum of not more than \$7,500 is hereby authorized to be appropriated annually.

THE BILL

SEC. 1. That funds appropriated to the Department of the Army for cemeterial expenses shall be available, under such regulations as may be prescribed by the Secretary of the Army, for the acquisition of grave sites; for the care and maintenance of that portion of Congressional Cemetery to which the United States has title, and the graves of those buried therein, including Confederate graves; for flags for decorating graves of members of the Armed Forces in national or post cemeteries; for maintenance of monuments, tablets, roads, fences, and so forth, made and constructed by the United States in Cuba and China to mark the places where American soldiers fell; and for the maintenance of graves used by the Army for burials in commercial cemeteries.

SEC. 2. Section 3 of the Act of May 28, 1928 (45 Stat. 786), is amended to read as follows: "For the incidental expenses of the National Board for the Promotion of Rifle Practice, including books, pamphlets, badges, trophies, prizes, and medals, to be expended for such purposes, such sums as may be necessary are hereby authorized to be appropriated annually."

AMENDMENTS—Continued

EXISTING LAW

Appropriation language under the heading "Ordnance Service and Supplies, Army" (Public Law 759, 81st Cong.)

Ammunition for military salutes at Government establishments and institutions to which the issues of arms for salutes are authorized.

Second proviso of the third paragraph of section 125 of the National Defense Act of June 3, 1916, as amended

Provided further, That when an enlisted man is discharged otherwise than honorably, all uniform outer clothing in his possession shall be retained for military use, and, when authorized by regulations prescribed by the Secretary of the Army or the Secretary of the Navy, a suit of citizen's outer clothing to cost not exceeding \$15 may be issued to such enlisted man.

Section 209, Act of June 30, 1932 (5 U. S. C. 73c)

Hereafter, no law or regulation authorizing or permitting the transportation at Government expense of the effects of officers, employees, or other persons, shall be construed or applied as including or authorizing the transportation of an automobile: *Provided*, That not more than \$5,000 in any fiscal year may be expended for such purposes by the Department of the Army, and not more than \$5,000 in any fiscal year by the Navy Department.

Appropriation language under the heading "Quartermaster Service, Army" (Public Law 759, 81st Cong.)

* * * authorized issues of articles for use of general prisoners confined at military posts without pay or allowances, and for applicants for enlistment while held under observation;

Appropriation language under the heading "Military Personnel Requirements" (Public Law 911, 81st Cong.)

* * * issues of toilet articles and barbers' and tailors' material to general prisoners confined at military posts without pay and allowances, applicants for enlistment, and recruits upon first enlistment;

THE BILL

SEC. 3. The Secretaries of the Army and Air Force are authorized, under such regulations as they may prescribe, to provide ammunition for military salutes at institutions and Government establishments to which the issue of arms for salutes is authorized.

SEC. 4. (a) The second proviso in the third paragraph of section 125 of the National Defense Act of June 3, 1916, as amended, is hereby amended to read as follows: "*And provided further*, That when an enlisted man of the Armed Forces is discharged otherwise than honorably, or interned or discharged as an alien enemy, all uniform outer clothing in his possession shall be retained for military use, and a suit of citizen's outer clothing and an overcoat when necessary, may be issued to such enlisted man under regulations prescribed in the same manner as regulations prescribing the quantity and kind of clothing to be issued to enlisted men of the Armed Forces."

SEC. 5. (a) When personnel of the Armed Forces are ordered to make any permanent change of station, motor vehicles owned by them for their personal use (not to exceed one vehicle per person) may be transported to their new posts of duty on Government vessels.

SEC. 6. Under regulations prescribed by the Secretaries of the military departments applicants for enlistment and general prisoners undergoing confinement without pay and allowances may be furnished with the authorized issues of toilet articles, laundry materials, and barbers' and tailors' materials.

AMENDMENTS—Continued

EXISTING LAW

Appropriation language under the heading "Engineer Service, Army" (Public Law 759, 81st Cong.)

utility services for buildings erected at private cost, as authorized by law (10 U. S. C. 1346), and buildings on military reservations authorized by Department of the Army regulations to be used for a similar purpose;.

Appropriation language under the heading "Maintenance and Operations" (Public Law 911, 81st Cong.)

Utility services for buildings erected at private cost as authorized by law (10 U. S. C. 1346), and buildings on military reservations authorized by Air Force regulations to be used for welfare and recreational purposes;.

Appropriation language under the heading "Contingencies of the Army" (Public Law 759, 81st Cong.)

For emergencies and extraordinary expenses arising in the Department of the Army or any of its subordinate bureaus or offices in the District of Columbia, or in the Army at large, but impossible to be anticipated or classified, including personal services; the actual and necessary expenses or per diem in lieu thereof, as may be determined and approved by the Secretary of the Army, of military and civilian personnel in and under the Department of the Army on special duty in foreign countries; and for examination of estimates of appropriations and of military activities in the field, to be expended on the approval or authority of the Secretary of the Army, and for such purposes as he may deem proper, and his determination thereon shall be final and conclusive upon the accounting officers of the Government and payments from this appropriation may, in the discretion of the Secretary of the Army, be made on his certificate that the expenditures were necessary for confidential military purposes.

Appropriation language under the heading "Contingencies" (Public Law 759, 81st Cong.)

For emergencies and extraordinary expenses, including personal services at the seat of government and elsewhere, to be expended on the authority or approval of the Secretary of the Air Force, and such expenses may be accounted for solely on his certificate,.

THE BILL

SEC. 7. The Secretaries of the military departments, under such regulations as they may prescribe, are authorized to provide for the furnishing of utility services for buildings on military reservations used by nationally recognized private welfare organizations.

SEC. 8. (a) Within the limits of appropriations made therefor, the Secretary of Defense, and the Secretaries of the military departments are authorized to provide for all emergencies and extraordinary expenses arising in the department concerned or any of their subordinate bureaus or offices in the District of Columbia, or in the defense establishment at large, but impossible to be anticipated or classified.

(b) When so specified in the appropriation, funds appropriated pursuant to subsection (a) may be expended on the approval or authority of the Secretary concerned, and for such purposes as they may deem proper, and their determination thereon shall be final and conclusive upon the accounting officers of the Government, and they may make a certificate of the amount of such expenditures as they may think it advisable not to specify and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended.

AMENDMENTS—Continued

EXISTING LAW

General Provision in the Defense Appropriation Act, 1951 (Public Law 759, 81st Cong.)

SEC. 614. Any appropriation available to the Air Force, Army, or the Navy, may, under such regulations as the Secretary concerned may prescribe, be used for expenses incident to the maintenance, pay, and allowances of prisoners of war, other persons in Air Force, Army, or Navy custody whose status is determined by the Secretary concerned to be similar to prisoners of war, and persons detained in such custody pursuant to Presidential proclamation.

Appropriation language under the heading "Finance Service, Army" (Public Law 759, 81st Cong.)

expenses of apprehension and delivery of deserters, escaped military prisoners, and soldiers absent without leave, including payment of rewards, in the discretion of the Secretary of the Army, not exceeding \$25 in any one case, to civil officers and citizens.

Appropriation language under the heading "Military personal requirements" (Public Law 911, 81st Cong.)

expenses of apprehension and delivery of deserters, stragglers, and escaped military prisoners; payment, in the discretion of the Secretary, of rewards (not to exceed \$25 in any one case) for the apprehension of deserters.

General provision in the Defense Appropriation Act, 1951 (Public Law 759, 81st Cong.)

Appropriations contained in this chapter shall be available for * * * payments in advance of expenses determined by the investigating officer to be necessary and in accord with local custom for conducting investigations in foreign countries incident to matters relating to the activities of the department concerned.

Section 212, Act of 30 June 1932

(a) After the date of the enactment of this Act, no person holding a civilian office or position, appointive or elective, under the United States Government or the municipal government of the District of Columbia or under any corporation, the majority of the stock of which is owned by the United States, shall be

THE BILL

SEC. 9. (a) Under such regulations as they may prescribe, the Secretaries of the military departments are authorized to provide, from any applicable appropriations available to the department concerned, for the care, maintenance, subsistence, pay, allowances, clothing, housing, transportation, training, and education of prisoners of war, other persons in custody whose status is determined by the Secretary concerned to be similar to prisoners of war, and persons detained in custody pursuant to Presidential proclamation or Executive order.

(b) The Secretaries of the military departments are authorized to pay such amounts as they may by regulations prescribe, to civil officers or other persons, as compensation for services, reimbursement of expenses, and rewards for apprehending, securing, and delivering an enlisted member of the Armed Forces absent without authority, a deserter, a straggler, or any person who has escaped from military or naval custody, arrest, or confinement, including those in violation of parole from military installations.

(d) When determined by investigating officers to be necessary and in accord with local custom, expenses of conducting investigations in foreign countries incident to matters relating to the military departments may be paid in advance.

SEC. 10. Section 212 of the Act of June 30, 1932 (47 Stat. 406), as amended by section 3 of the Act of July 15, 1940 (54 Stat. 761), shall not apply to military personnel on the retired lists of the Army and the Air Force on duty at the United States Soldiers' Home.

AMENDMENTS—Continued

EXISTING LAW

entitled, during the period of such incumbency, to retired pay from the United States for or on account of services as a commissioned officer in any of the services mentioned in the Pay Adjustment Act of 1922 (U. S. C., title 37), at a rate in excess of an amount which when combined with the annual rate of compensation from such civilian office or position, makes the total rate from both sources more than \$3,000; and when the retired pay amounts to or exceeds the rate of \$3,000 per annum such person shall be entitled to the pay of the civilian office or position or the retired pay, whichever he may elect. As used in this section, the term "retired pay" shall be construed to include credits for all service that lawfully may enter into the computation thereof.

(b) This section shall not apply to any person whose retired pay, plus civilian pay, amounts to less than \$3,000: *Provided*, That this section shall not apply to regular or emergency commissioned officers retired for disability incurred in combat with an enemy of the United States or for disabilities resulting from an explosion of an instrumentality of war in line of duty during an enlistment or employment as provided in Veterans Regulations Numbered 1 (a), part I, paragraph I.

Third paragraph of section 90 of the National Defense Act of June 3, 1916 (39 Stat. 166), as amended

Under such regulations as the Secretary of War shall prescribe, the material, animals, armament, and equipment, or any part thereof, of the National Guard of any State, Territory, or the District of Columbia, or organizations thereof, may be put into a common pool for care, maintenance, and storage; and the employment of caretakers therefor, not to exceed fifteen for any one pool, is hereby authorized.

General provision of the Defense Appropriation Act, 1951 (Public Law 759, 81st Cong.)

SEC. 615. During the current fiscal year, without deposit to the credit of the Treasurer of the United States and withdrawal on money requisitions, receipts of public moneys from sales or other sources by officers of the Department of Defense on disbursing duty and charged in their official accounts, except receipts to be credited to river and harbor and flood-control appropriations,

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SEC. 12. (a) The third paragraph of section 90 of the National Defense Act of June 3, 1916 (39 Stat. 166), as amended, is further amended by striking out the words "not to exceed fifteen for any one pool," and adding the following at the end of the paragraph: "Personnel of the National Guard and of the Air National Guard may be employed as such caretakers in a civilian capacity without regard to their military rank."

SEC. 13. (a) Without deposit to the credit of the Treasurer of the United States and withdrawal on money requisitions, receipts of public moneys from sales or other sources by officers of the military departments on disbursing duty and charged in their official accounts may be used by them as required for current expenditures, all necessary book-keeping adjustments of appropriations, funds, and accounts to be made in the settlement of their disbursing accounts.

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may be used by them as required for current expenditures, all necessary book-keeping adjustments of appropriations, funds, and accounts to be made in the settlement of their disbursing accounts.

Appropriation language under the heading "Claims," Defense Appropriation Act, 1951 (Public Law 759, 81st Cong.)

for repayment of amounts determined by the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, or officers designated by them, to have been erroneously collected from military and civilian personnel of the Departments of the Army, Navy, and Air Force or from States, Territories, or the District of Columbia, or members of the National Guard units thereof.

Appropriation language under the heading "Inter-American relations" (Public Law 759, 81st Cong.)

For expenses necessary to enable the Secretary of the Army to adopt such measures, appropriate to the functions and activities of the Department of the Army, as he may deem advisable, to promote better relations with the other American countries, including transportation and subsistence expenses, while traveling in the Western Hemisphere, of Army officers and military students of the other American countries and Army officers of the United States.

Appropriation language under the heading "Maintenance and operations" (Public Law 911, 81st Cong.)

expenses for inter-American cooperation as authorized for the Navy by the Act of August 2, 1946 (5 U. S. C. 421f), for Latin-American cooperation.

General provision of the Defense Appropriation Act, 1951 (Public Law 759, 81st Cong.)

SEC. 602. Section 3648, Revised Statutes, shall not apply, in the case of payments made from appropriations contained in this Act, (1) to payments made in compliance with the laws of foreign countries or their ministerial regulations, (2) to payments for rent in such countries for such periods as may be necessary to accord with local custom, or (3) to payments made for tuition.

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SEC. 14. The Secretaries of the military departments are authorized to provide for the repayment, out of appropriations available therefor, of amounts erroneously collected from military and civilian personnel under their jurisdiction, or from States, Territories, or the District of Columbia or members of National Guard or Air National Guard units thereof.

SEC. 15. (a) The Secretaries of the military departments are authorized, out of any appropriations available therefor, to provide for expenses for travel and subsistence of officers and students of the other American countries and other expenses deemed necessary by them for Inter-American cooperation.

SEC. 16. Payments made from appropriations for the military departments in compliance with the laws or regulations of foreign countries, payments for rent in such countries for such periods as may be necessary to accord with local custom, and payments made for tuition, may be made in advance.

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Appropriation language under the heading "Finance Service, Army" (Public Law 759, 81st Cong.)

* * * donations of not to exceed \$25 to each civilian prisoner upon each release from an Army prison and each soldier discharged otherwise than honorably upon each release from confinement under court-martial sentence * * *

Appropriation language under the heading "Quartermaster Service, Army" (Public Law 759, 81st Cong.)

citizens' outer clothing and an overcoat, when necessary, the cost of all not to exceed \$30, to be issued each person upon each release from an Army prison.

Appropriation language under the heading "Military personnel requirements" (Public Law 911, 81st Cong.)

civilian clothing and when necessary an overcoat, the cost of all not to exceed \$30, for each person upon each release from a military prison, .

donations of not to exceed \$25 to each civilian prisoner upon each release from a military prison, to each enlisted man discharged otherwise than honorably upon each release from confinement under court-martial sentence, .

Act of March 2, 1923 (42 Stat. 1391)

On and after July 1, 1923, the cost of transportation of material in connection with the manufacturing and purchasing activities of the Signal Corps, Ordnance Department, Chemical Warfare Service, Air Service, Medical Department, Engineer Department, and the Coast Artillery Corps, and in connection with the construction and installation of fire-control projects at seacoast fortifications by the Coast Artillery Corps, may be charged to the appropriations for the work in connection with which such transportation charges are required; and the Budget estimates for each of such appropriations shall hereafter carry separately the amounts required for such transportation costs.

General provision of the Supplemental Appropriation Act, 1951 (Public Law 843, 81st Cong.)

The Secretary of the Army, the Secretary of the Air Force, and the Secretary of the Navy are authorized to expend out of the Army (military), Air

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SEC. 17. (a) Under regulations prescribed in the same manner as regulations prescribing the quantity and kind of clothing to be issued to enlisted men of the Armed Forces, prisoners released from military and naval prisons may, upon each termination of confinement by parole or discharge, be furnished a suit of citizen's outer clothing and an overcoat, when necessary, and an amount of money not to exceed \$30.

SEC. 18. The cost of transportation from point of origin to the first point of storage or point of consumption of supplies, equipment, and materials of the military departments shall be charged to the appropriations from which such supplies, equipment, and materials are procured, except where otherwise specifically appropriated for.

SEC. 19. (a) The Secretaries of the military departments are authorized to expend out of appropriations available to such departments for military functions for construction or maintenance at facilities of the department concerned such amounts as may be required for minor construction (except family quar-

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Force, or Navy appropriations available for construction or maintenance such amounts as may be required for minor construction (except family quarters), extensions to existing structures, and improvements, at facilities of the Department concerned but the cost of any project authorized under this section which is not otherwise authorized shall not exceed \$50,000, except that the limitation on the cost of any such project which is determined by the Secretary of Defense to be urgently required in the interests of national defense, shall not exceed \$200,000: *Provided*, That the cost limitations of this section shall not apply to the appropriations for "Contingencies of the Army", "Army National Guard", "Organized Reserves", "Military Construction, Army", "Public Works", "Contingencies of the Air Force", "Acquisition and construction of Real Property" and "Alaska Communication System".

General Provision of the Defense Appropriation Act, 1951 (Public Law 759, 81st Cong.)

SEC. 605. The appropriations in this chapter otherwise available for travel or transportation which are current on date of relief from duty station of personnel traveling under orders may be charged with all expenses in connection with such travel including transportation of dependents and household goods, regardless of time of arrival at destination of such personnel.

Appropriation language under the heading "Transportation Service, Army" (Public Law 759, 80th Cong.)

Provided further, That vessels under the jurisdiction of the Maritime Commission, the Department of the Army, or the Department of the Navy may be transferred or otherwise made available without reimbursement to any of such agencies upon the request of the head of one agency and the approval of the agency having jurisdiction of the vessels concerned.

General provision of the Defense Appropriation Act, 1951 (Public Law 759, 81st Cong.)

SEC. 613. The appropriations contained in this chapter for the Air Force, Navy, and for the Army, which are available for the procurement or manufacture of supplies, materials, and equipment of special or technical design may

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ters), extensions to existing structures and improvements; but the cost of any project authorized under this section which is not otherwise authorized shall not exceed an amount specified in the Appropriation Act concerned.

SEC. 20. Appropriations of the military departments otherwise available for travel or transportation, which are current on the date of relief from duty station of personnel traveling under orders, may be charged with all expenses in connection with such travel, including transportation of dependents and household goods, regardless of time of arrival at destination of such personnel.

SEC. 21. Vessels under the jurisdiction of either the Maritime Commission, the Department of the Army, or the Department of the Navy, may be transferred or otherwise made available without reimbursement to any of such agencies, upon request of the head of one agency and the approval of the agency having jurisdiction of the vessels concerned.

SEC. 24. (a) Appropriations for the military departments available for procurement or manufacture of supplies, equipment, and materials shall also be available for the purchase or other acquisition of (1) copyrights, letters patent, and applications for letters patent; (2) licenses under copyrights, under letters patent, and under applications for letters patent; (3) designs

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be used for the development and procurement of gages, dies, jigs, and other special aids and appliances, production studies, factory plans, and other production data, including specifications and detailed drawings, and for the purchase of copyrights and letters patent, applications therefor, and licenses thereunder pertaining to such supplies, equipment, and materials for which the appropriations are made.

Appropriation language under the heading "Army National Guard" (Public Law 759, 81st Cong.)

travel expenses (other than mileage), at the same rates as authorized by law for Army National Guard personnel on active Federal duty, of Army National Guard division and regimental commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau.

Appropriation language under the heading "Air National Guard" (Public Law 759, 81st Cong.)

travel expenses (other than mileage), on the same basis as authorized by law for Air National Guard personnel on active Federal duty, of Air National Guard commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau.

General provision of Defense Appropriation Act, 1951 (Public Law 759, 81st Cong.)

Appropriations contained in this chapter shall be available for insurance of official motor vehicles in foreign countries, when required by laws of such countries.

Subparagraph (e) of the paragraph headed "Ordnance equipment for rifle ranges for civilian instruction" of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1925, and for other purposes", approved June 7, 1924 (43 Stat. 477)

(e) Maintenance of the National Board for the Promotion of Rifle Prac-

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and design data. Any such purchase or other acquisition shall pertain to supplies, equipment, materials, or processes produced or used by or for, or useful to, the department concerned.

(b) Appropriations for the military departments available for the settlement of claims shall also be available for the purchase or other acquisition of releases, before suit is brought, for past infringement of letters patent. Any such purchase or other acquisition shall pertain to supplies, equipment, materials, or processes produced or used by or for, or useful to, the department concerned.

SEC. 24. Under regulations prescribed by the Secretary of the Army or the Secretary of the Air Force, respectively, travel expenses (other than mileage), at the same rates as authorized by law for military personnel on active duty, may be paid to appropriate National Guard and Air National Guard commanders while inspecting units in compliance with National Guard or Air National Guard regulations, when specifically authorized by the Chief of the National Guard Bureau.

SEC. 25. Applicable appropriations of the Department of Defense shall be available for insurance of official motor vehicles in foreign countries, when required by the laws of such countries.

SEC. 26. Subparagraph (e) of the paragraph headed "Ordnance Equipment for Rifle Ranges for Civilian Instruction", of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1925, and for other purposes", approved June 7, 1924 (43 Stat. 477), is hereby amended to read as follows:

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tice, including provision for the necessary expenses thereof and of its members.

General Provision of Defense Appropriation Act, 1951 (Public Law 759, 81st Cong.)

SEC. 610. Such military and naval personnel as may be detailed for duty with agencies not a part of the Department of Defense on a reimbursement basis may be employed in addition to the numbers otherwise authorized and appropriated for.

Section 209, Act of June 30, 1932 (5 U. S. C. 73c)

Hereafter, no law or regulation authorizing or permitting the transportation at Government expense of the effects of officers, employees, or other persons, shall be construed or applied as including or authorizing the transportation of an automobile: *Provided*, That not more than \$5,000 in any fiscal year may be expended for such purposes by the Department of the Army, and not more than \$5,000 in any fiscal year by the Navy Department.

Appropriation language under the heading "Quartermaster Service, Army" (Public Law 759, 81st Cong.)

* * * authorized issues of articles for use of general prisoners confined at military posts without pay or allowances, and for applicants for enlistment while held under observation;

Appropriation language under the heading "Military personnel requirements" (Public Law 911, 81st Cong.)

* * * issues of toilet articles and barbers' and tailors' material to general prisoners confined at military posts without pay and allowances, applicants for enlistment, and recruits upon first enlistment;

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"(e) Maintenance of the National Board for the Promotion of Rifle Practice, including provision for the necessary expenses thereof and of its members: *Provided*, That travel expenses of members of the Board shall be paid in accordance with the Standardized Government Travel Regulations, as amended."

SEC. 27. Such military and naval personnel as may be detailed for duty with agencies not a part of the Department of Defense on a reimbursement basis may be employed in addition to the numbers otherwise appropriated for.

SEC. 5. (a) When personnel of the Armed Forces are ordered to make any permanent change of station, motor vehicles owned by them for their personal use (not to exceed one vehicle per person) may be transported to their new posts of duty on Government vessels, within priorities established under regulations prescribed by the Secretary of the department concerned.

SEC. 6. Under regulations prescribed by the Secretaries of the military departments, applicants for enlistment and persons in military custody not in a pay status may be furnished with personal necessities.

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Appropriation language under the heading "Engineer Service, Army" (Public Law 759, 81st Cong.)

utility services for buildings erected at private cost, as authorized by law (10 U. S. C. 1346), and buildings on military reservations authorized by Department of the Army regulations to be used for a similar purpose;.

Appropriation language under the heading "Maintenance and operations" (Public Law 911, 81st Cong.)

utility services for buildings erected at private cost as authorized by law (10 U. S. C. 1346), and buildings on military reservations authorized by Air Force regulations to be used for welfare and recreational purposes;.

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Sec. 7. The Secretaries of the military departments, under such regulations as they may prescribe, are authorized to provide for the furnishing of utility services for welfare and recreational activities on military reservations and for buildings on military reservations used by nationally recognized private welfare organizations.